

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina ☒

____ Charlotte ____ Division

Al Smile

Case No.

3:19 cv 161- GCM

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Legacy Ballantyne, LLC
Crestmont At Ballantyne Apartments, LLC
GCI Residential, LLC
Connie Axiotis/Wendy Sikorski

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

FILED
CHARLOTTE, NC

APR - 3 2019

US DISTRICT COURT
WESTERN DISTRICT OF NC

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Al Smile
Street Address	4117 Park Rd # 11571
City and County	Charlotte/Mecklenburg
State and Zip Code	North Carolina 28209
Telephone Number	704-975-2529/ or 980-229-1732
E-mail Address	alsmile1@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Legacy Ballantyne, LLC
Job or Title (if known)	Apartment Complex Manager
Street Address	9200 Otter Creek Dr
City and County	Charlotte/ Mecklenburg County
State and Zip Code	North Carolina 28277
Telephone Number	704-542-6330
E-mail Address (if known)	caxiotis@gciresidential.com

Defendant No. 2

Name	Crestmont At Ballantyne Apartments, LLC
Job or Title (if known)	Apt Complex Mgr (Legacy Ballantyne)-
Street Address	9200 Otter Creek Dr
City and County	Charlotte/ Mecklenburg County
State and Zip Code	North Carolina 28277
Telephone Number	704-542-6330
E-mail Address (if known)	caxiotis@gciresidential.com

Defendant No. 3

Name	GCI, Residential, LLC
Job or Title (if known)	Regional Manager of Apt Complexes-
Street Address	10720 Sikes PL Suite # 150
City and County	Charlotte/ Mecklenburg County
State and Zip Code	28277
Telephone Number	704-375-4509
E-mail Address (if known)	wsikorski@gciresidential.com

Defendant No. 4

Name	Connie Axiotis and/or Wendy Sikorski
Job or Title (if known)	Apt Complex Manager and Regional, Apt Complex Manager
Street Address	10720 Sikes PL Suite # 150
City and County	Charlotte/ Mecklenburg County
State and Zip Code	North Carolina 28277
Telephone Number	704-375-4509 or 704-542-6330
E-mail Address (if known)	caxiotis@gciresidential.com or wsikorski@gciresidential.com

**Defendant #5*

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

18 USC 241

42 USC 3631

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) _____, is a citizen of the
State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated
under the laws of the State of (name) _____,
and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of
the State of (name) _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____. Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

The office mgr participated in many these privacy invasions and intrusions. I am initially requesting the Court Grant initial monetary relief due to the circumstances that this Entity & its Representatives are responsible for the dire state my son & I have been put in. I'd like the Court to issue an order demanding I immediately receive my amounts I paid (19 X \$590.00 = \$27,030.00) ALSO reasonable Reimbursement of my fine legal fees of \$2,000.00

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Charlotte, North Carolina, in various places and in many different kinds of ways!

B. What date and approximate time did the events giving rise to your claim(s) occur?

BTW Jan-2018 - Jan-2019 / much of the Stalking, Harassing, Invasion of Peace & Privacy and many countless Cyber Attacks & Intrusions! much of this still continues! NOW!

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

I Filed a Suit/Complaint against said Entity for failing to cooperate with utility sepk, w/ bldg Permit to Repair Fiber Cable \$ 8,000.00 Job utility was paying. They Retaliated when given the opportunity of com MY Son's mom, mutual Interest & outcome many of their Sabotage Attempts failed where as ONE was quite troubling & concerning when the Apt complex mgr, Staged a scene in an attempt to either drive me Removed by force or Arrested. The Police figured this out right away I will be my witnesses. Without a ~~fight~~ action against me I

IV. Irreparable Injury a lucky break they would've been forced to take's

Explain why monetary damages at a later time would not adequately compensate you for the injuries you

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured. *T. Presently, I am suffering Heart Health*

sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured. I presently have serious heart health ^{scary!} issues. Much of the stress these past couple yrs have contributed greatly. I have a ~~special~~ Special need son who has been extremely affected by this this corporation or Entity caused ^{participated} directly or indirectly in what's happened to my son & I. We've had to sell all to survive. We have used up all of our favors with family. This pain & misery which has reached an extremely dangerous state was caused by them and they should be responsible for providing @ us with imm.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. *These indescribable acts of*

punitive money damages. These indescribable acts of
unspeakable horror violated our rights! The
Attempt to stage a scene to make me quested Relief
was life threatening to my son & I
This entity with its man's participated and
collaborated & accompanied Private Investigator
to stalk my son at. They cut off
my water for 18 days from 8:00 A.M.
to 5:00 P.M. as Punitive Damages to me
as I was the whistleblower that reported to
the city their water Recycling system was contaminated
after that, they really started Retaliation
They had a in court over a other week! disgrace

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

04/03/2019

Signature of Plaintiff

Printed Name of Plaintiff

AL Z. Smile
AL Z. Smile

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address